

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN

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TARENCE BANKS,  
Plaintiff,

v. Case No. 14-CV-0381

NURSE LESLIE, UNKNOWN,  
NURSE BILL, NURSE MEHRING,  
CHRISTOPHER SCHMALING, NICK KOLDEWAY,  
PATRICK NOONAN, MELISSA A. GONZALES,  
SGT. MELISSA MORAN, LT. SHAWN BARKER,  
LT. BRADLEY FRIEND, UNKNOWN,  
DOUGLAS WEARING, and PORFIRIO LEDEZMA,  
Defendants.  
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VIDEO DEPOSITION OF  
TARENCE BANKS  
Racine, Wisconsin  
December 17, 2014  
10:09 a.m. to 11:45 a.m.  
Michelle Hagen  
Registered Professional Reporter

1 APPEARANCES  
2 BASCOM, BUDISH & CEMAN, S.C., 2600  
3 North Mayfair Road, Suite 1140, Wauwatosa, Wisconsin  
4 53226, by MR. TIMOTHY A. BASCOM, tbascom@bbclaw.com,  
5 appeared on behalf of the Racine County Defendants.

6 ALSO PRESENT: Officer Castaneda.

7 INDEX

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10 EXHIBITS

11 EXHIBIT NO.: MARKED ID'D

12 Exhibit 1 Complaint .....20 20  
13 Exhibit 2 Screening order .....20 21

14  
15 (The original exhibits were attached to the original  
16 transcript.)  
17 (The original transcript was sent to Mr. Bascom.)

1 PROCEEDINGS

2 THE VIDEOGRAPHER: My name is Steve  
3 Peters, CLVS, associated with Halma-Jilek  
4 Reporting, Incorporated, Milwaukee, Wisconsin.  
5 This is the beginning of the video deposition of  
6 Tarence A. Banks, Sr. on December 17, 2014. The  
7 time, 10:09 a.m.

8 This is the case concerning Tarence  
9 Banks, plaintiff, versus Nurse Leslie, et al.,  
10 defendants, Case No. 14-CV-0381, pending in the  
11 United States District Court for the Eastern  
12 District of Wisconsin.

13 Will counsel now please state his  
14 appearance.

15 MR. BASCOM: Tim Bascom on behalf of  
16 the Racine County defendants.

17 THE VIDEOGRAPHER: The court reporter,  
18 Michelle Hagen, will now swear in the witness.

19 TARENCE BANKS, called as a witness  
20 herein by the Defendants, after having been first  
21 duly sworn, was examined and testified as follows:

22 EXAMINATION

23 BY MR. BASCOM:

24 Q Tell us your name, please.

25 A My name is Tarence A. Banks, Sr.

1 Q Mr. Banks, my name is Tim Bascom. I represent a  
2 number of defendants who are corrections officers  
3 or otherwise employed by Racine County here at the  
4 Racine County Jail, people you have sued in a  
5 lawsuit in the Eastern District of Wisconsin.

6 We're here this morning to take your  
7 deposition. As you can see, we've got a court  
8 reporter in the room, and she's taking down  
9 everything that's being said. We're also  
10 videotaping the deposition, but because she's  
11 taking down everything that's being said, at the  
12 end of the day she's going to back to her office  
13 and type it up into a transcript so we'll be able  
14 to read what everybody in the room says.

15 Because of that process, we have to  
16 follow certain rules. One of the rules you have  
17 to follow is only one person can talk at a time.  
18 Even though you may know where I'm going with a  
19 question, you have to wait until I finish asking  
20 it before you begin giving an answer, and I have  
21 to wait until you're finished with your answer  
22 before I ask a new question because the court  
23 reporter can only take down one person at a time.  
24 Okay?

25 A Understood.

1 Q Second rule you have to remember is you have to  
2 answer verbally and out loud. You can't nod your  
3 head or shake your head. Even though we've got a  
4 video here, we need the transcript to show whether  
5 you mean yes or no. Same reason you can't say  
6 mm-hm or unh-unh because they're kind of spelled  
7 the same. So if you forget that and you say mm-hm  
8 or um-hum, I may say to you, "Is that a yes or a  
9 no?" I'm not trying to be disrespectful or be  
10 rude to you. I just want to make sure we have a  
11 clean transcript. Okay?  
12 A Okay.  
13 Q If you don't understand a question -- sometimes  
14 lawyers ask bad questions. If you don't  
15 understand a question, please tell me and I'll  
16 reask it. If you give an answer, though, I'm  
17 going to assume that you heard the question and  
18 fully understood it. Fair enough?  
19 A Okay. So what if I don't feel comfortable  
20 answering a question then?  
21 Q Well, you're sworn to tell the truth under oath.  
22 We're here to ask you questions about things  
23 related to your lawsuit. If you feel  
24 uncomfortable answering a question, you can tell  
25 me why and make an objection, and the judge will

1 later on rule on whether or not you should be  
2 required to answer the question.  
3 The rules in depositions are very  
4 different than the rules in court. In court you  
5 have to -- lawyers or people who are asking  
6 questions have to focus only on what exactly is  
7 relevant to the case. In a deposition like this,  
8 it's much broader than that. It's anything that's  
9 reasonably calculated to lead to the discovery of  
10 relevant evidence, and the judge will tell you, if  
11 we need to get ahold of him, that that's a very  
12 broad category.  
13 So listen to my questions and if you  
14 can answer the question, please do so. If you  
15 don't know the answer to a question, you can tell  
16 me that as well. Okay?  
17 A Okay.  
18 Q All right. Let's start with a little bit of  
19 background about you. What is your birth date?  
20 A August 18, 1980.  
21 Q And where were you born?  
22 A Chicago, Illinois.  
23 Q How long did you live in Chicago?  
24 A About 17 years.  
25 Q And when -- so when you turned 17 you moved away

1 from Chicago?  
2 A No, I really left earlier. I was a ward of the  
3 state at an early age. Me and my brother kind of  
4 like just moved up here with my big brother and  
5 they emancipated us from DCFS.  
6 Q Okay. Did you go to high school?  
7 A Yes.  
8 Q Where did you go to high school?  
9 A I went to Harper High School in Chicago, Illinois.  
10 I went to Englewood High School in Chicago,  
11 Illinois, and I spent a week or something at Park,  
12 Washington Park, Racine.  
13 Q Did you graduate from high school?  
14 A No.  
15 Q And what was the last grade you finished in  
16 high school?  
17 A Tenth.  
18 Q Tenth grade? I'd like to start with your earliest  
19 employment, and can you tell me coming up to today  
20 how you've been employed.  
21 A Through temp services, temporary services.  
22 Q When did you work for the temporary services  
23 people?  
24 A Most of the times it was in like '90 -- '99.  
25 I worked for Manco [phonetic]. Then I went to

1 prison. Got out in 2006. I worked for a place in  
2 Milwaukee called Joe Binders [phonetic], I think  
3 it was.  
4 Q Joe Binders?  
5 A Yeah.  
6 Q And what did they do?  
7 A They put like magazines and stuff together. They  
8 bind stuff together.  
9 Q And what was the amount -- tell me when you  
10 started working there and when you stopped working  
11 there.  
12 A I can't recall.  
13 Q Other than Joe Binders, have you worked for any  
14 employer since your time in prison?  
15 A When I just was released I worked at Expel.  
16 Q At what?  
17 A Expel.  
18 Q What is Expel?  
19 A It's a packaging company too.  
20 Q And where was that?  
21 A In Racine, Wisconsin.  
22 Q How long did you work for them?  
23 A It was a temporary service. Once they done with  
24 you they kind of lay you off and you go through  
25 QPS and get another employment.

1 Q And was the binder place also through a temporary  
2 employment?  
3 A Yes.  
4 Q What was the name of the temporary employment  
5 agency?  
6 A I don't know. I know it's on 7th in Milwaukee,  
7 like on Michigan or some -- Downtown somewhere.  
8 But I was -- it was -- at the time I was at the  
9 Parson House on 24th and Locust and I was going --  
10 I was living there through like a furlough.  
11 Q Was that a supervised placement?  
12 A Yes.  
13 Q Following your incarceration?  
14 A Yes.  
15 Q Let's talk a little bit about your history of your  
16 involvement with law enforcement. Tell me the  
17 first time that you've had any -- any conviction  
18 for any crime.  
19 A I don't see how that's relevant.  
20 Q Well, under the rules in the federal rules of  
21 evidence, when someone brings a claim like this  
22 like you have, under certain circumstances the  
23 lawyer representing the defendants is able to ask  
24 about whether or not you've been convicted of a  
25 crime, and it depends on how long ago it was.

1 Sometimes if it's more than ten years, judges are  
2 given leeway to keep it out; but sometimes when  
3 it's less than ten years since you were released  
4 from prison or incarcerated in prison, depending  
5 on which is later, then the judges must allow it  
6 to come in.  
7 So what I need to be able to do is  
8 explore with you what's your involvement with  
9 criminal prosecution in terms of convictions so  
10 that I can go to the judge and talk with him about  
11 whether or not I can ask questions about that at a  
12 trial.  
13 A Right, I understand that, but I'm saying I could  
14 tell you how many times I've been convicted of a  
15 crime. Me going into them have no relevance  
16 towards this lawsuit.  
17 Q Well, but the point is it depends -- there is some  
18 relevance to the circumstances depending upon how  
19 long ago it was, because under the federal rules  
20 of evidence at trial, I can ask you questions  
21 about your conviction of a crime. And so that's  
22 what I'm asking about now is in the past what was  
23 the first time that you were convicted of a crime.  
24 A The first time I was convicted of a crime was  
25 1998.

1 Q And what was that crime?  
2 A I still don't see the relevance of that, though.  
3 Q Well, it's something that the judge will have to  
4 address when -- when we get prepared for the  
5 trial. That's why I need to know about the  
6 circumstances so that I can --  
7 A But I object to it.  
8 Q I understand you're objecting and your objection  
9 will be noted for the record. Then answer the  
10 question and the judge will determine whether  
11 I can ask it at trial.  
12 A I was convicted of burglary.  
13 Q And where was that? Where did that take place?  
14 A In Racine.  
15 Q And it was in 1998?  
16 A Yes.  
17 Q And were you sentenced to any time in prison?  
18 A No.  
19 Q Following that, was there -- what was the next  
20 conviction that you had for a crime?  
21 A I can't recall. I know I was revoked on that --  
22 on that charge.  
23 Q On the 1998 conviction?  
24 A Yes.  
25 Q They revoked your parole -- your probation?

1 A Yes.  
2 Q And did you have to serve time for that?  
3 A Yes.  
4 Q And when did you go into jail?  
5 A In 19 -- I mean in 2000, November, November 4th or  
6 something of 2000.  
7 Q Of the year 2000?  
8 A Yes.  
9 Q And where did you serve your time?  
10 A In Green Bay Correctional Institution.  
11 Q And when were you released from Green Bay  
12 Correctional Institution?  
13 A I was released from prison in 2006.  
14 Q Did you serve continuously from the year 2000  
15 until the year 2006?  
16 A I was -- yes, but I had -- some more stuff came up  
17 while I was in prison.  
18 Q Yeah. What happened while you were in prison?  
19 A I was indicted.  
20 Q For?  
21 A The drug conspiracy.  
22 Q You were indicted for drug conspiracy while in  
23 Green Bay Correction?  
24 A Yes.  
25 Q And what year was that, do you know?

1 A I think 2001, 2002, one of them. Yeah, 2001.  
2 Q Did you have to serve additional time following  
3 that?  
4 A I just -- they paroled me from -- from state  
5 prison to the federal prison.  
6 Q And in what federal prison -- so that was a  
7 federal charge?  
8 A Yes.  
9 Q And what federal prison did you then go to?  
10 A First I went in front of Judge Lynn Adelman. He  
11 gave me 30 months with the time credit I had  
12 already done and I went to MCC Chicago and then I  
13 went to Oxford Correctional, Oxford Federal  
14 Correctional Institution.  
15 Q And how long were you at Oxford?  
16 A I got -- I went there and I think a few years.  
17 I had 30 more months to do.  
18 Q And that was -- and when were you released from  
19 Oxford?  
20 A 2006.  
21 Q Okay. Now, at the time you were in any of those  
22 prisons, were any other charges brought against  
23 you other than the drug charge?  
24 A Not that I recall. There was charges brought but  
25 it was dismissed.

1 Q Okay. Following your release from federal prison  
2 in 2006 on the drug charges, did you -- did you  
3 get convicted of a crime following that?  
4 A After I got out of the federal prison?  
5 Q Yes.  
6 A Yes.  
7 Q And what was that crime?  
8 A One of them got dismissed. So I know that ain't  
9 going to really matter; right?  
10 Q Correct. I'd like to know if you were convicted  
11 of a crime following your release from prison in  
12 2006.  
13 A Yes.  
14 Q And what crime was that?  
15 A Robbery by use of force.  
16 Q And where did that conviction take place?  
17 A In Racine County.  
18 Q And were you sentenced to prison time?  
19 A Yes.  
20 Q And where did you spend your prison time?  
21 A I went to Oshkosh Correctional Institution.  
22 Q Columbia Correctional?  
23 A No.  
24 Q You were at Oshkosh?  
25 A I was at Oshkosh Correctional Institution.

1 Q Did you serve your entire time there?  
2 A No.  
3 Q Where else did you go?  
4 A Columbia Correctional Institution.  
5 Q Okay. And how long were you at Columbia?  
6 A From 2009 to 2013.  
7 Q And you were released in 2013?  
8 A Yes.  
9 Q Were you on probation or parole at that time?  
10 A Yes.  
11 Q And how many months or years of supervised  
12 follow-up did you have after you were released  
13 from Columbia?  
14 A I had four years, four years supervision.  
15 Q So the last time you were convicted of a crime  
16 would have been the robbery with use of force; is  
17 that true?  
18 A Yes.  
19 Q And your release -- that was in 2007?  
20 A That I was convicted?  
21 Q Yes.  
22 A Yes.  
23 Q And you were released from prison in 2013 on that  
24 charge?  
25 A Yes.

1 Q Now, you're currently at the Racine County Jail;  
2 is that correct?  
3 A Mm-hm.  
4 Q I'm sorry but you have to answer yes or no.  
5 A Yes.  
6 Q Thank you. And when did you first come to the  
7 Racine County Jail in this stay?  
8 A 11/12/13.  
9 Q So November 12 of 1913 -- 2013.  
10 A Yes.  
11 Q Prior to coming to Racine County Jail on your  
12 current charges in November of 2013, had you been  
13 here before?  
14 A Yeah.  
15 Q You were here when you were first arrested in 2006  
16 on the robbery charge; is that correct?  
17 A Yes.  
18 Q And then periodically over the next number of  
19 years you were brought back here while you were  
20 staying at Columbia Correctional Institute for  
21 certain writs and things like that; correct?  
22 A Yes, sir.  
23 Q So over the years you had been in and out of the  
24 Racine County Jail on a number of times?  
25 A Yeah, but like days. Like I'd be here for a

1 couple days. Sometimes I wouldn't even make it  
2 upstairs. I'd just be in intake.  
3 Q And so when you were first arrested in 2006, did  
4 you spend weeks or months at the jail while you  
5 were waiting for your case to be heard?  
6 A 356 to be exact.  
7 Q 356 days. So almost a year.  
8 A Yes.  
9 Q And that was in 2006 and 2007.  
10 A Yes.  
11 Q Okay. And then following your conviction on that  
12 crime, periodically you'd come back to  
13 Racine County Jail, but it would just be for the  
14 most a couple of days.  
15 A Yeah. Sometimes I'd just ask to stay down here  
16 because if I wanted to stay. I mean, I ain't  
17 never had no problems down here, so I just --  
18 sometime I just ask my judge to keep me down here  
19 for a little while and I stay down here for a week  
20 or two just -- I mean, because I used to be on --  
21 sometime they'll put me on the pods where it was  
22 okay. So -- but I never had a reason not to stay  
23 down here.  
24 Q Now, why are you currently at the Racine County  
25 Jail?

1 A I have a probation hold and I have current  
2 charges.  
3 Q And what are the current charges?  
4 A I object to that. I don't see the relevance of my  
5 current charges. I haven't been convicted of it,  
6 so it's not a conviction.  
7 Q One of the issues that we have to address is the  
8 fact that you have alleged that the Racine County  
9 personnel have violated certain constitutional  
10 rights.  
11 A Right.  
12 Q And the nature of those rights will depend upon  
13 your status in the jail, whether you have been in  
14 jail as a convicted person or whether you are in  
15 jail as what's known as a pretrial --  
16 A A pretrial detainee.  
17 Q -- detainee, and I'm trying to develop the  
18 information about your status as a pretrial  
19 detainee. So I would like to know -- and it's a  
20 matter of public record. I would like to know  
21 what the charges -- I don't want to know the  
22 details. I simply want to know what the charges  
23 are against you here that creates your status as a  
24 pretrial detainee.  
25 A I'm charged with burglary, three counts of

1 reckless endangerment safety, false imprisonment  
2 and possession of a firearm by a felon.  
3 Q Now, you also have made certain claims about your  
4 lack of appropriate medical care.  
5 A Mm-hm.  
6 Q And because of that I'd like to ask some questions  
7 about how you lost your arm. And I don't need to  
8 go into the great details about that, but you lost  
9 your arm in the event that led to your arrest and  
10 detention here at the Racine County Jail. Is that  
11 true?  
12 A Could you repeat that?  
13 Q Yeah. Your arm, you lost your arm in the event  
14 that led to your arrest ultimately that led to  
15 your being placed here as a pretrial detainee; is  
16 that correct?  
17 A I got shot and I lost my arm.  
18 Q And it was in the event that gave rise to the  
19 charges that are against you that creates your  
20 status as a pretrial detainee here at the jail;  
21 true?  
22 A Yes.  
23 Q And my understanding from looking at your records  
24 is after you were shot, you were taken ultimately  
25 to Froedtert Hospital and were treated there; is

1 that correct?  
2 A I was taken to Wheaton Francis Hospital and then  
3 taken to Froedtert Hospital.  
4 Q And following your discharge from Froedtert, you  
5 were then brought to the Racine County Jail.  
6 A Yes, sir.  
7 Q And that was in November of 2013.  
8 A Yes, sir.  
9 Q During the time that you were incarcerated at the  
10 Racine County Jail prior to November of 2013, so  
11 in the past when you were being held here in 2006  
12 and 2007 or during the times that you were brought  
13 back here from Columbia on writs, talking about  
14 those times -- you understand?  
15 A Mm-hm, yes, yes.  
16 Q Did you file any inmate grievances or complaints  
17 during those incarcerations here?  
18 A No.  
19 (Exhibits 1 and 2 were marked for  
20 identification.)  
21 BY MR. BASCOM:  
22 Q Mr. Banks, I'm going to show you what has been  
23 marked as Exhibit No. 1. This is the complaint  
24 that you filed that is the basis for the lawsuit  
25 in this case; is that true?

1 A No, because this has a page that don't go along  
2 with my lawsuit.  
3 Q This was copied off of -- off of the -- the  
4 Web site at the -- at the court, and we'll just  
5 talk about this. If I refer to this, this is  
6 Exhibit No. 1. Okay?  
7 A But what I'm saying is that's not -- that whole  
8 thing is not the complaint. There's a page in  
9 there that's not part of the complaint.  
10 Q I understand. And Exhibit No. 2 is entitled a  
11 screening order. Do you see that?  
12 A Yes.  
13 Q And are you familiar with that document, the  
14 screening order? Have you reviewed that?  
15 A Yes. I didn't understand it that much. Oh, the  
16 screening order? Yeah, I understand this.  
17 Q Okay. The screening order is something that  
18 Judge Adelman takes -- does with lawsuits that are  
19 filed by pro se inmates where the federal judge  
20 will look at it and make a decision about whether  
21 or not the inmate has stated things that can go  
22 forward as part of the lawsuit. You're aware of  
23 that; correct?  
24 A Right, right.  
25 Q And in that screening order which we've marked as

1 Exhibit 2, if you look at page -- page 5. Why  
2 don't you turn to page 5 of the screening order.  
3 A Mm-hm.  
4 Q Do you have it there?  
5 A Yes, sir.  
6 Q Okay. And there's a paragraph in the middle that  
7 starts out "although not entirely clear." Do you  
8 see that?  
9 A Yes, sir.  
10 Q I'm going to read starting at the second sentence.  
11 It says "At this stage of the proceedings, he,"  
12 meaning you, "may proceed on Fourteenth Amendment  
13 conditions of confinement and deliberate  
14 indifference to a serious medical needs claims  
15 regarding the conditions at the jail and the  
16 alleged failure to treat his wound as directed.  
17 Plaintiff may also proceed on due process claims  
18 related to his disciplinary hearings which  
19 resulted in segregation stays. Lastly, he may  
20 proceed on an excessive force claim based on the  
21 allegations that defendant Koldeway shouldered him  
22 causing injury." Did I read that correctly?  
23 A Yes, sir.  
24 Q Okay. So what I want to do is talk about those  
25 essentially four claims that Judge Adelman has

1 said that you can move forward with against the  
2 Racine County defendants. There's a conditions of  
3 confinement claim, there's a deliberate  
4 indifference to serious medical needs claim,  
5 that's a due process claim related to your  
6 discipline, and there's the excessive force claim  
7 against Koldeway.  
8 A Yes, sir.  
9 Q Okay? So let's start with the conditions of  
10 confinement claim. Okay?  
11 A Okay.  
12 Q Now, as I understand the allegations in your  
13 complaint, your conditions of confinement claim  
14 essentially revolves around three allegations that  
15 you've made. One is that you do not have a  
16 handicap accessible cell. The second one is that  
17 you don't have a handicap accessible shower and  
18 you have problems with your accessibility to the  
19 shower, and you're having problems with food and  
20 laundry and other things like that when you're in  
21 the general population.  
22 Is that in a broad sense the  
23 conditions of confinement claims that you've made  
24 in your complaint?  
25 A I think it's more to it than that, but a lot falls

1 under that.  
2 Q Let's talk about those -- those three elements.  
3 Let's talk first about your claim that you were  
4 not given access to a handicap accessible cell.  
5 Okay?  
6 A Mm-hm.  
7 Q I'm sorry but you have to answer yes or no.  
8 A Yes.  
9 Q Now, you were -- initially when you came to the  
10 jail in November of 2013, you were put into a cell  
11 in intake; correct?  
12 A Yes, sir.  
13 Q Now, in that cell you had a bed; is that true?  
14 A Yes.  
15 Q And you had a toilet; is that true?  
16 A Yes.  
17 Q So you were given access to a bed and access to a  
18 toilet; true?  
19 A True.  
20 Q Now, according to what you've said in your  
21 complaint, you felt that it was more difficult for  
22 you to be able to use your bed or your toilet  
23 because there were no grab holds or handrails or  
24 other handicap equipment to allow you to get in  
25 and out of bed or on to or off of the toilet; is

1 that correct?

2 A Correct.

3 Q While you had access to the toilet and you had

4 access to the bed, it was more difficult for you

5 because they were not handicap accessible; true?

6 A I couldn't move when I first got here. It was

7 hard for me to move. I had stitches in my leg.

8 They removed a bone from my leg. I'm missing an

9 arm. I had stitches in my arm. I had stitches in

10 my inner leg and stitches from my ankle -- well,

11 from my thigh right here all the way up to my leg.

12 I couldn't move, period. I had

13 trouble walking. That's why they gave me a cane

14 to get up with, get out of bed, which is something

15 to help me get out of bed with. When I got here

16 it was taken away from me. They rolled me in a

17 room in a wheelchair because I couldn't walk and

18 just threw me in the bed.

19 Q And then when you needed to get out of bed, you

20 needed to get assistance from a guard?

21 A No one helped me.

22 Q You never were helped by anyone --

23 A No.

24 Q -- out of your bed.

25 A No.

1 Q How long did you stay in your bed without any

2 help?

3 A I was in intake for five days. The only time they

4 came in is when they -- the only time I saw them

5 was when they did rounds and I'd tell them I need

6 medication, I needed my medication.

7 Q And they never, ever helped you off the bed in

8 those five days.

9 A Never.

10 Q Were you able to get off your bed yourself in

11 those five days?

12 A It would take me a long time to do so because

13 I was in pain.

14 Q I see. It took you a long time and it was very

15 difficult for you to do it, but you were able to

16 ultimately get off of the bed?

17 A Yeah.

18 Q And then in order to use the toilet, again, it

19 took you a long time and it was very hard for you.

20 It was very difficult -- you have to let me

21 finish -- it was very difficult for you, but

22 ultimately you were able to use the toilet; true?

23 A When I first got here I wasn't using the bathroom.

24 That's why when I was at the hospital they was

25 making me use the bathroom. They was giving me

1 enemas and stuff. So as far as taking a number

2 two, I wasn't able to do that. Urine, I was -- I

3 urinated on myself a few times while in intake.

4 Q But you were able to get to the bathroom to

5 use the -- go to your toilet in your intake cell

6 with difficulty.

7 A I just told you, not really, no.

8 Q You never used the toilet while you were in

9 intake?

10 A I never had to use -- take a dump in intake.

11 Q Okay.

12 A All I had to do was urinate, and when I did, I

13 peed on myself. I got to the toilet at times but

14 most of the times I peed on myself. Several times

15 I urinated on myself because I couldn't make it in

16 time and I'd be always in too much pain.

17 Q But there were times you were able to get to the

18 toilet to use the toilet to urinate. It was

19 difficult for you but you were able to do it.

20 A Yes.

21 Q Now, no one at the jail denied you the use of a

22 toilet. They didn't tell you you couldn't use the

23 toilet; is that true?

24 A They denied me a handicap accessible cell.

25 Q I understand -- I understand that's your claim,

1 but my question is a little different than that.

2 My question is a little different than that.

3 While it was difficult for you to be able to use

4 the toilet in your cell because it was not

5 handicap accessible, they did not deny you the use

6 of a toilet; true?

7 A No, that's not true.

8 Q So somebody at the jail said you cannot use the

9 toilet.

10 A When I first got here I told them I was going to

11 need a handicap accessible cell. So yes, they

12 did.

13 Q In the cell that you were housed in intake there

14 was a toilet; true?

15 A Yes.

16 Q No one ever told you you could not use that

17 toilet; true?

18 A No.

19 Q What I said is not true?

20 A No one never told me I couldn't use the toilet.

21 Q And while it was difficult for you to use it, if

22 you were able to get out of your bed, you were

23 able to use the toilet. True?

24 A If I wanted to sit down and take a dump on that

25 toilet, no, I wouldn't have been able to do it.



1 Q Why not?  
2 A Because I couldn't even barely bend my knees by  
3 myself.  
4 Q But you were able to --  
5 A When I was at Froedtert Hospital, they helped me  
6 on and off the toilet. They helped me go to the  
7 toilet. When they gave me an enema, they helped  
8 me out of bed and took me to the toilet with  
9 either a wheelchair -- the majority of the time  
10 the wheelchair. They helped me to the toilet  
11 because I had bones and stuff missing out of my  
12 leg. They helped me to the toilet and helped me  
13 on and off the toilet.  
14 I was not given -- I was not afforded  
15 that here. The toilets in Froedtert bathroom had  
16 hand rails where I could ease myself down to it.  
17 The toilets are so low, I'm bending so low to get  
18 down on the toilet. No, I couldn't. So no.  
19 Q Did you ever ask someone for help and they said,  
20 "No, we won't help you," here at the jail?  
21 A You don't --  
22 Q In intake.  
23 A You don't see the COs in intake.  
24 Q You didn't answer my question. I'm not asking  
25 whether you saw the COs. My question is --

1 A I was not. Okay.  
2 Q Let me ask my question. Okay? Did you ever ask a  
3 CO for assistance in using the toilet and that CO  
4 said no?  
5 A I was never afforded the opportunity to ask them.  
6 Q So the answer to my question is no, you never  
7 asked and they said no. Is that true?  
8 A The answer to your question is I never asked.  
9 Q Okay. The same thing with respect to your ability  
10 to get in and out of bed. You were provided a bed  
11 in intake; true?  
12 A True.  
13 Q And it was difficult for you to get in and out of  
14 that bed because there were no handicap handrails;  
15 correct?  
16 A True.  
17 Q But they didn't deny you access to that bed; true?  
18 They didn't say you can't use the bed or we're  
19 going to put you in a cell without a bed.  
20 A Them telling me I can't use a bed is really  
21 obsolete in this thing. It's about me being  
22 afforded a bed where I could get out of.  
23 Q I understand -- I understand your claim about not  
24 having access to a handicap accessible bed.  
25 I understand that that's your claim. That's not

1 my question. Okay?  
2 A Your question is did they deny me a bed. No,  
3 I was never denied a bed.  
4 Q Okay, fair enough. Now, then it's my  
5 understanding, and you can correct me if your  
6 recollection of this is different, but after you  
7 were in intake, the intake cell, you were then  
8 moved to a medical segregation cell; is that true?  
9 A Not true.  
10 Q Okay. Where were you moved after intake?  
11 A I was moved to segregation.  
12 Q You were moved to a segregation cell. Do you  
13 remember the name of the pod that that cell was  
14 in?  
15 A It's 2D segregation.  
16 Q Okay. And in that pod, again, in that cell you  
17 were assigned, was there a bed for you to use?  
18 A Yes.  
19 Q And were you able with difficulty to use that bed?  
20 A I had an inmate named Christ Robinson that helps  
21 me out of the bed and helped me in my bed at  
22 times.  
23 Q Okay. So with the assistance of the inmate that  
24 you've identified in your complaint, you were able  
25 with difficulty to get in and out of your bed and

1 use the bed; true?  
2 A Yes.  
3 Q How about was there a toilet in that cell as well?  
4 A Yes.  
5 Q And again, were you able to use that toilet with  
6 difficulty and with the assistance of your  
7 cellmate?  
8 A Yes. It had no handrail. They called it med seg.  
9 There's nothing medical about it. It's just you  
10 put segregation people in there and mentally ill  
11 people in there. That's all it is. There's  
12 nothing medical about it.  
13 Q Now, in the complaint you stated that your inmate  
14 asked you for food in order to help you.  
15 A Yes.  
16 Q Did you ever get sick because you did not have  
17 enough food to eat while you were in that  
18 segregation unit?  
19 A Get sick? No. I had hunger pains. If you call  
20 that sickness, then yeah.  
21 Q But did you ever -- did you ever get ill? Did you  
22 ever seek medical assistance because of issues  
23 related to the lack of food because you were  
24 giving your inmate, your cellmate food to assist  
25 you on or off the toilet or into your bed?



1 A No, I never said anything about it really to  
2 nobody because I didn't want him to stop helping  
3 me. I needed his help at the time. So I felt  
4 like me getting the help that I needed was really  
5 more important at the time.  
6 Q Did you ever file an inmate complaint because you  
7 felt that you were not getting enough food because  
8 you were giving your food to your cellmate because  
9 he was assisting you?  
10 A I didn't want to get any write-ups for that. In  
11 the rule book you're not allowed to give people  
12 your food. So I didn't want to get in trouble for  
13 it, so that's the reason why I didn't file no  
14 complaint for it. They put you in the hole for  
15 stuff like that here. So I didn't say nothing  
16 because I didn't want to get in any trouble by  
17 giving him my food and I didn't want him to get in  
18 trouble by taking my food because you're not  
19 allowed to take or give anybody your food per jail  
20 policy.  
21 Q Okay. Now, you also have a claim in terms of the  
22 conditions of confinement claim about access to  
23 showers, and as I understand it, your access to  
24 shower claim generally falls into two categories.  
25 Number one, you claim that you did not have a

1 handicap accessible shower or a proper chair for  
2 you to use while you were in the shower so that it  
3 was handicap accessible; and number two, you claim  
4 that you didn't get a shower often enough because  
5 other inmates in the jail were able to shower  
6 every day in the day room and you were limited to  
7 a certain number of times when you were taken from  
8 the day room to intake where the handicap  
9 accessible shower was. Is that generally what  
10 your claims are?  
11 A My claims are that I was not afforded a handicap  
12 accessible shower.  
13 Q Okay. That's -- that was one of the claims, and  
14 then I read in your complaints that you felt that  
15 you should be able to shower more often than you  
16 were able to shower.  
17 A Yes. I caught rashes between my legs. Right now  
18 I'm going to getting cream and stuff for the  
19 rashes that I caught between my legs. On my back  
20 I got bumps and on my arm for not getting my arm  
21 washed since I been here. A whole year I was  
22 here. No one helped me wash my arm. That's one  
23 of the things I had to pay to do -- Christ  
24 Robinson to do it but sometime he wouldn't do it.  
25 Now I got spots and blemishes on my arm and on my

1 back from them not helping me wash my back and my  
2 arm.  
3 Q Okay. Let's talk about this. When you first came  
4 to the Racine County Jail, you were on shower  
5 restrictions when you first got here; correct?  
6 A Yes.  
7 Q And that was because there was an issue about not  
8 getting your bandage wet; true? When you first  
9 got here?  
10 A It wasn't I would say shower restrictions. When  
11 I was at Froedtert, the nurses came in and helped  
12 me wash my back of my arm and I'd sit on the bed  
13 and wash my own private part and my hind part and  
14 they'd wash my legs and stuff for me.  
15 So it wasn't a point of me not being  
16 able to be washed. It's just me not being able to  
17 get the bandages wet. I was able to be helped  
18 being washed up. That never -- I was never  
19 afforded that opportunity.  
20 Q But according to what I've read, there was a  
21 shower restriction imposed by medical staff when  
22 you got to the Racine County Jail because they  
23 didn't want your bandages getting wet. Is that  
24 true?  
25 A Yes.

1 Q That was something that the medical staff made a  
2 determination. One of the nurses or doctors made  
3 a decision that they didn't want you getting your  
4 bandages wet, and so they put you on a shower  
5 restriction.  
6 A I never even talked to the doctors or the nurses  
7 here about that.  
8 Q Are you aware of whether or not that restriction  
9 was imposed by a nurse or a doctor as opposed to a  
10 CO or someone within the corrections staff?  
11 A When I went back to Froedtert, I told them I  
12 wasn't taking a shower, they wouldn't let me take  
13 showers. Then they told them I was allowed to  
14 take showers.  
15 Q We'll get to that.  
16 A Okay.  
17 Q You're getting ahead of me a little bit. My  
18 question is a little different. Are you aware  
19 that when they were not letting you take showers  
20 here at the jail when you first got here, are you  
21 aware that that was a decision that was made by  
22 medical staff?  
23 A No, I wasn't aware of that.  
24 Q Then the doctor at Froedtert approved you to have  
25 showers; correct?

1 A Right.  
2 Q And at that point you began using the day room  
3 shower; is that true?  
4 A Yes.  
5 Q You had problems with that.  
6 A I fell in there.  
7 Q Because you had problems because it wasn't  
8 handicap accessible; correct?  
9 A Yes. I tried to wash myself up, fell and reopened  
10 my arm up under my arm.  
11 Q And at that point they gave you a chair to use; is  
12 that true?  
13 A Yeah, like the chair we're sitting in.  
14 Q A plastic chair?  
15 A Yes.  
16 Q And you felt that that was not something that  
17 would be appropriate for you to use; is that true?  
18 A It's not enough room in the shower for a chair and  
19 an inmate in those showers. That's how I fell,  
20 trying to maneuver the chair around in there.  
21 I fell and reopened my arm.  
22 I talked to Lieutenant Friend about it  
23 days before when he came up. He said, "I'm not  
24 going to put any handrails in that shower," and he  
25 said, "I'm going to give you a chair. That's it."

1 That's all you're getting." He came and talked to  
2 me face to face and his exact words, "I'm not  
3 putting handrails in those showers. You're going  
4 to get a chair and that's it," and left me  
5 standing in the hallway and walked away.  
6 Q Now after you had problems with using the chair  
7 and the shower in the day room, then they began  
8 taking you down to intake to use the handicap  
9 accessible shower at intake; true?  
10 A They took me downstairs to use the shower.  
11 Q And the shower in intake, did it have grab rails  
12 or no?  
13 A Yes, but they're not -- I wouldn't consider them  
14 grab rails because you can't put your hand through  
15 it and grab it. It's a metal plate up under it so  
16 you fingers only go so far, and it didn't have any  
17 handicap accessible chair in it or nothing.  
18 Q Now, you were given a chair to use. Again, it was  
19 the same plastic chair that we've been talking  
20 about that you had in the day room; correct?  
21 A Yes.  
22 Q So when you began using the shower in intake, you  
23 were provided a shower, but again, it was  
24 difficult for you to use because you didn't  
25 believe it was handicap accessible; correct?

1 A I know it wasn't handicap accessible.  
2 Q Okay, but you were -- you were able to use that  
3 shower with difficulty; true?  
4 A The first time I went down there and I used it, I  
5 set back in the chair and it almost tilted over,  
6 and after that I told them I wasn't going to take  
7 a shower in there because I wasn't going to injure  
8 myself no more.  
9 Q But then you began using that shower.  
10 A Once they put a chair inside of it.  
11 Q And once the chair was inside of it and you began  
12 using that shower, you were given showers  
13 sometimes three times a week, other times every  
14 four or five days.  
15 A Yes.  
16 Q So again, you were not denied access to a shower,  
17 completely denied access to a shower. It was just  
18 more difficult for you and it was limited in terms  
19 of the number of times you could take a shower.  
20 A I -- yes, I was denied a shower, yes.  
21 Q And for how long were you denied a shower?  
22 A Days at a time.  
23 Q Five days at a time, four days at a time?  
24 A Sometime three, sometime four, sometime five.  
25 Q And so three days, four days or five days would

1 elapse and then you would be able to take a  
2 shower.  
3 A Yes.  
4 Q So you were not denied a shower. In other words,  
5 people didn't say you can't have a shower. They  
6 were just limiting the number of days during which  
7 you'd be able to take a shower. True?  
8 A No.  
9 Q So my -- maybe we're talking at cross purposes  
10 here.  
11 A No, I understand exactly what you're saying.  
12 I was denied a shower because the captain --  
13 Lieutenant Barker put a derivative in for me to  
14 get a shower at these days. So they denied me a  
15 shower by not following his derivative and taking  
16 me down to the shower. So yes, I was denied a  
17 shower.  
18 Q You were denied a shower -- strike that. You were  
19 provided access to a shower every three days or  
20 maybe every four days or maybe every five days,  
21 but you felt you should be accessing that shower  
22 more often. True?  
23 A I wanted what the county jail rule book allows me  
24 to have, which is not what they was giving me.  
25 The county jail rule book say you get a shower

1 three times a week. If you take a shower every  
2 three days, that's not three times a week. They  
3 violated their own policy.  
4 Q You misunderstand my question.  
5 A I understand your question very well.  
6 Q I understand what point you're trying to make, and  
7 you'll be given an opportunity to make those  
8 points when we get in front of a jury. Right now  
9 what I'd like you to do is just answer my  
10 questions. Okay?  
11 My question is this. You were given  
12 access to a shower every three days or sometimes  
13 every four days or sometimes every five days.  
14 A Yes.  
15 Q But you -- so you were given access to a shower  
16 those times but you felt you needed access to a  
17 shower more often than that; true?  
18 A Yes.  
19 Q What is the shower practice now?  
20 A Right now at this time?  
21 Q Right now today.  
22 A That I'm taking right now?  
23 Q Right.  
24 A I get a shower every day now.  
25 Q And so you're in the shower in the day room?

1 A No.  
2 Q You're in the shower in intake?  
3 A Yes.  
4 Q And you're provided access to that shower every  
5 day if you want it?  
6 A No. They -- sometime I don't get showers till  
7 2:00, 3:00 in the morning. That's a whole another  
8 day. So no.  
9 Q So then I misunderstood. I thought you just said  
10 that you get a shower every day.  
11 A Yes. That don't mean they give me a shower every  
12 day. The doctor ordered that I take a shower  
13 every day.  
14 Q And so when was the last time you took a shower?  
15 A Yesterday.  
16 Q What time of day?  
17 A Yesterday was the 16th. I think I marked down in  
18 my log is second shift.  
19 Q And so you're keeping a log of the days and times  
20 that you're taking a shower?  
21 A I keep a log of everything.  
22 Q Okay, and did you bring that log with you today?  
23 A No. I can get it though.  
24 Q I don't need you to get it right now. I probably  
25 will send you a written document asking you to

1 provide me with a copy of that log.  
2 A Okay.  
3 Q Because I'd like to see that.  
4 A Okay.  
5 Q Are there any other logs that you're keeping other  
6 than the one that you just described to me?  
7 A Not really.  
8 Q So you're keeping a log right now of --  
9 A This log, the log that started with my -- not  
10 really with the showers. I just marked the  
11 showers down on it, but it really started with the  
12 washing of my arm, because I hadn't had my arm  
13 washed in a whole year, and the doctor seen I  
14 got -- started catching rashes and stuff again on  
15 my arm, which they just stopped it, stopped  
16 washing my arm again. They just said they don't  
17 do preventative care. So that mean they wait till  
18 my arm get a rash on it again and again start  
19 washing it again, which the rash have never left.  
20 So they just stopped washing it.  
21 But that's what the log is basically  
22 about, like the washing of my arm. They washed it  
23 less than a month and then just stopped. We're  
24 not going to wash it no more.  
25 Q When you say they, I don't know who you mean by

1 they.  
2 A The medical staff here. I wrote to Lieutenant --  
3 I mean Captain Wearing about it just recently. He  
4 said direct your issues to medical, which he's the  
5 one who supposed to talk to them about it. So  
6 I don't know where to go from here, but yes, it's  
7 still going on.  
8 Q Have you been -- have you been sending -- you're  
9 aware that if you have an issue related to your  
10 medical care, that you're to fill out a form  
11 addressing it to medical; correct?  
12 A Done that.  
13 Q And you've done that with respect to this issue  
14 about the washing of your arm and your back;  
15 correct?  
16 A Yes.  
17 Q And you're not happy with the response of the  
18 medical team to your request for assistance with  
19 washing your arm and back; correct?  
20 A I talked to the nurse practitioner the other day.  
21 She said there's nothing we can do about it. When  
22 I first got here I asked them about it,  
23 Nurse Leslie, and there was a certain CO that was  
24 there at the time. She told me this. She said,  
25 "Well, we're not going to wash your back. We're

1 not going to wash your arm," and that was it.  
2 Q That's what nurse -- I'm sorry. That's what the  
3 nurse told you?  
4 A Yes. We're not going to assist you with it.  
5 Q Okay. And you've made some complaints to the  
6 medical staff about that issue; correct?  
7 A Yes. They told me to put a towel on my leg and  
8 wash my arm like that. Virtually impossible.  
9 Q You also indicated in your complaint that you've  
10 had some problems with regard to your food and  
11 your laundry since you've been in the general  
12 population.  
13 A Yes.  
14 Q You according to what I've read in your complaint,  
15 you had problems getting the food tray from the  
16 slot?  
17 A Yes.  
18 Q You've had problems opening your food?  
19 A Yes.  
20 Q And you had problems with your laundry bag;  
21 correct?  
22 A Yes, and my bedding.  
23 Q And what?  
24 A Bedding. Bedding.  
25 Q And I just want to make sure I understand. This

1 was something that was again made more difficult  
2 for you because you only have one arm, but the  
3 Racine County Jail never denied you food; true?  
4 A What I meant in the complaint about that, I was in  
5 what they call med seg but really segregation.  
6 There's two doors I have to go through. There's a  
7 door I got to come out of and then another door I  
8 got to go get my food from. I only got one arm,  
9 so how do I get back in this door right here?  
10 I had to drop my food trays. All type of stuff  
11 happened. The officers laughed at me after this  
12 happened. So am I denied my food? Yes. I can't  
13 get back in my room with it.  
14 Q So you were -- you did not have any food while you  
15 were in med seg.  
16 A Yeah, I had food. I had food.  
17 Q So it was difficult for you in med seg or the  
18 segregation unit, it was difficult for you to take  
19 your food into your cell and to open the food  
20 packets themselves, but once you were able to get  
21 back to your cell and open the food packet, you  
22 did have food; true?  
23 A They -- at times when I first got moved up there,  
24 I couldn't come out and get my food. So to do  
25 Christ Robinson would go get my food for me and

1 bring it to me, but at one point the COs would  
2 tell him that I had to come get it myself.  
3 Q And so you started going to get it yourself?  
4 A Yes.  
5 Q Okay. And it was difficult for you to do that?  
6 A It was very extremely difficult for me to do that.  
7 I was in pain. I was taking medication for the  
8 pain. I was hurting a lot. My bone was missing.  
9 Everything was wrong with me.  
10 Q I understand. And with that difficulty, you were  
11 able to then have access to some of your food;  
12 true?  
13 A Yes.  
14 Q Okay. The same thing is true with this problem  
15 you had with the laundry bag. It was difficult  
16 for you because you only have one arm, difficult  
17 for you to open and close the laundry bag;  
18 correct?  
19 A At times I wasn't even washing my clothes. How  
20 would I? What -- they don't do it for you.  
21 Everything I did, I had to pay for. Everything  
22 that got done for me, I had to pay an inmate for.  
23 Everything.  
24 Q You were unable to have the Racine County Jail  
25 personnel launder your uniform; is that true?

1 A You don't get -- not uniform. Your whites.  
2 Q I'm not talking about the whites. I'm talking  
3 about the uniform.  
4 A That don't go with laundry.  
5 Q You don't -- you have a uniform exchange; true?  
6 A Yes, yes.  
7 Q And you were able to exchange your uniform and get  
8 a clean one; true?  
9 A Yes.  
10 Q And then does the jail launder your whites?  
11 A They used to come around with laundry bags where  
12 you had to put your clothes in a laundry bag, tie  
13 it up and put it out there.  
14 Q And that's what you had difficulty doing?  
15 A Yes.  
16 Q Now --  
17 A And with the bedding they give you sheets.  
18 They're not fitted sheets. So either I sleep on  
19 naked bed or no -- or someone had to tie my sheets  
20 for me. The same thing is going on right now.  
21 I have no one to tie my sheets.  
22 Q But you do have a mattress; true?  
23 A Yes.  
24 Q And you're sleeping -- if you can't put a sheet  
25 down, you're sleeping on the mattress, which is on

1 top of your bed; correct?  
2 A Yeah.  
3 Q Let's talk now about your claim about deliberate  
4 indifference to serious medical needs. Okay?  
5 A Yes.  
6 Q As I understand, you talked already about the fact  
7 that Nurse Leslie would not help you wash your arm  
8 and back; correct?  
9 A No nurse would. Nurse Bill, Nurse Leslie, the  
10 nurse practitioner. Everybody I talked to, no.  
11 Q And that's a claim you have against the nursing  
12 staff; true?  
13 A Yes. For the record, I don't know -- are you  
14 representing the --  
15 Q No, I'm not.  
16 A So why are we asking questions about them?  
17 Q I'm trying to find out what your claims are in  
18 this case.  
19 A But that would be irrelevant if you're not -- if  
20 you're not representing them.  
21 Q The judge will have to determine what's relevant  
22 and what's not relevant.  
23 A Well, I don't feel comfortable answering questions  
24 about them that -- that's not -- and I'm not  
25 speaking to their lawyer. I would like to speak

1 to a lawyer about what goes on with them.  
2 Q Well, I'm entitled to ask you questions about your  
3 claims in this lawsuit whether I represent people  
4 or not. So, you know, I'd like to be able to  
5 explore your claims against the medical staff just  
6 so I have an understanding of what those claims  
7 are.  
8 I don't represent any of the nurses in  
9 this case, and I don't even know whether they've  
10 been properly named or served or anything in the  
11 case. I represent the --  
12 A The jail staff here.  
13 Q The jail staff, which would be Deputy Koldeway,  
14 Sheriff Schmaling, Noonan, Gonzales, Moran,  
15 Barker, Friend, Wearing and Ledezma. Those are  
16 the people that I represent.  
17 I don't represent -- Racine County  
18 Correctional Healthcare's been dismissed. The  
19 judge dismissed that. I don't represent  
20 Nurse Leslie or the sued as nurse practitioner  
21 Jane Doe or Nurse Bill or Nurse Mehning. Those  
22 are people that I do not represent.  
23 A Well, I don't see why we would have to talk about  
24 the claims against them.  
25 Q Well, because I need to know and the point of my

1 question is the claims that you're making for  
2 somebody not washing your arms is against the  
3 nursing staff that you've identified in your  
4 complaint; correct?  
5 A Right.  
6 Q Okay. And that is also true about your claim  
7 about the application of your cream to the rash on  
8 your back. You were asking for help with that and  
9 the nursing staff didn't provide you with the help  
10 that you felt you needed; correct?  
11 A Correct.  
12 Q And that's a claim you have against the nursing  
13 staff.  
14 A Not against the defendants that you're  
15 representing.  
16 Q Okay.  
17 A So I would like to talk about the things with the  
18 people you are defending and that's it.  
19 Q Now, there's a claim that you've made that during  
20 the time that you were in segregation, you did not  
21 have access to your mattress. Do you recall that  
22 claim?  
23 A Yes, sir.  
24 Q Now, it's my understanding that the policy in  
25 segregation is to provide inmates with access to

1 their mattresses between 8:00 p.m. at night and  
2 8:00 a.m. in the morning, but then to take the  
3 mattresses out of the cell between 8:00 a.m. in  
4 the morning and 8:00 p.m. at night; is that  
5 correct?  
6 A Correct.  
7 Q So you had access to the mattress from 8:00 p.m.  
8 at night till 8:00 a.m. in the morning, but did  
9 not have access to it from 8:00 a.m. in the  
10 morning till 8:00 p.m. at night.  
11 A The fact is my mattresses was approved through  
12 medical.  
13 THE REPORTER: I'm sorry. Repeat  
14 that.  
15 THE WITNESS: My mattresses was  
16 approved through medical.  
17 BY MR. BASCOM:  
18 Q We'll get to that. That's not my question right  
19 now.  
20 A Okay. Yes.  
21 Q Okay. Just so the record's clear, you did have a  
22 mattress from 8:00 p.m. at night till 8:00 a.m. in  
23 the morning while you were in segregation, but you  
24 did not have a mattress from 8:00 a.m. in the  
25 morning till 8:00 p.m. at night; is that correct?

1 A I will have to say it was from like -- they'll  
2 bring our mattress back at like 9:00 o'clock at  
3 night. So, I mean, several times they went beyond  
4 what they were supposed to.  
5 Q But you would have it --  
6 A Yes, I would have it to sleep on at night.  
7 Q To sleep on at night.  
8 A Yes.  
9 Q Now you have a claim that you were ordered to have  
10 or permitted to have more than one mattress?  
11 A Yes, sir.  
12 Q Tell me about that.  
13 A Due to my injuries, I was afforded to have an  
14 extra mattress through medical, and the staff here  
15 was taking my mattress. My wounds wasn't even a  
16 year old yet. I still had wounds on my arm that  
17 were still open, and they was taking my mattress,  
18 making me sleep on steel and concrete for eight  
19 hours a day.  
20 Q Just wait. I think we're talking about two  
21 different things right now. We've already  
22 addressed the fact that from 8:00 o'clock or 9:00  
23 o'clock at night until 8:00 a.m. in the morning  
24 you had a mattress and then it was taken out of  
25 your cell from 8:00 a.m. in the morning until the

1 nighttime; correct?  
2 A Correct.  
3 Q And we've gone through that and I understand your  
4 claim there. Now I'd like to talk about your  
5 claim that you were entitled to more than one  
6 mattress. Is that a claim that you're making?  
7 A The claim -- yes, I was entitled to more than one  
8 mattress, yes.  
9 Q And that's what I want to know about. Tell me  
10 what your claim is that you were entitled to more  
11 than mattress.  
12 A Per medical. Per medical I was given an extra  
13 mattress, extra blankets.  
14 Q And you were not provided with those while you  
15 were in segregation?  
16 A No. They was taken from me.  
17 Q And do you feel that that violates your rights in  
18 which way?  
19 A That's cruel and unusual punishment for one. How  
20 can a jail staff take anything from you that a  
21 doctor approved for you? They can't. It don't  
22 happen. I needed that for my injuries. They took  
23 that from me for my injuries.  
24 Q Okay. Let's talk now about --  
25 A You don't want to talk about that anymore?

1 Q No. We'll move on to another topic. You also  
2 have made requests and I believe you reference in  
3 your complaint that you were not provided with a  
4 prosthetic arm?  
5 A Yes.  
6 Q Now, were you told that a medical doctor has made  
7 the determination that you were not entitled to a  
8 prosthetic arm?  
9 A No. I was told -- for one, my medical doctor at  
10 Froedtert told me I needed to come back down to  
11 get fitted for my prosthetic. Captain Wearing and  
12 the staff here denied me to go back down there and  
13 get fitted for my medical -- for my prosthetic.  
14 Captain Wearing wrote me after I told  
15 him that my family -- at first I was on my wife  
16 insurance and I don't know what insurance I was on  
17 it through, but that's who took care of my doctor  
18 bills, the insurance, my medication and everything  
19 when I got here. They told me I needed to come  
20 back down here, come back to Froedtert and get  
21 fitted for my prosthetic.  
22 I wrote Captain -- I talked to the  
23 medical staff here. I wrote Captain Wearing.  
24 I wrote Lieutenant Brown. I wrote everybody.  
25 They said that somebody at CHC said my medical --

1 my prosthetic arm was not a medical necessity for  
2 my current situation. They denied me my  
3 prosthetic.  
4 I went to the doctor again. She said  
5 if it's okay for you to have a prosthetic there,  
6 we would like for you to come back down here and  
7 get fitted for it. They denied me again. The  
8 fact is they didn't have people here with  
9 prosthetics.  
10 Q Okay. I'm going to back up a little bit. As far  
11 as you were told, someone at CHC made the  
12 determination that the prosthetic arm was not  
13 medically necessary; correct?  
14 A Before that Lieutenant -- Captain Wearing told me  
15 unless I send him something from an insurance  
16 company, I was not going -- I'm answering your  
17 question.  
18 Before this even happened, I wrote to  
19 him about it and he said unless you send me  
20 something that's preapproved from an insurance  
21 company, you will not go get it fitted for you.  
22 We're not sending you down there. And I kept  
23 writing him, and then he said he contacted  
24 somebody at CHC who told him that my arm was not a  
25 medical necessity. Yes, that's what he said.

1 Q Now, did you ever provide anything to  
2 Captain Wearing that indicated that your insurance  
3 company has preapproved the prosthetic arm?  
4 A I have found out that my wife had took me off  
5 her -- off her -- I had got taken off the  
6 insurance. But my family -- I wrote  
7 Captain Wearing and let him know that my family  
8 was intending to pay for my prosthetic with money.  
9 And he still wrote me back and said unless you  
10 send me something from an insurance company that  
11 preapproved, you will not go to get fitted for  
12 your prosthetic. So my family was willing to pay  
13 for my prosthetic with their own money.  
14 Q And so just so I'm clear, in response to  
15 Captain Wearing's inquiry about the insurance, you  
16 did not provide him with any insurance information  
17 that had preapproved this prosthetic arm; is that  
18 true?  
19 A True. The fact was that me being fitted for it  
20 and me getting fitted for it and me having it is  
21 two different things. I can go get fitted for it  
22 and pay for it later. They wanted me to come back  
23 down and get fitted for my prosthetic, and he  
24 denied me that.  
25

1 Q Okay. Let's talk a little bit about the claims  
2 you have against the individual defendants. The  
3 first defendant is Sheriff Schmaling. Have you  
4 ever had any personal contact with  
5 Sheriff Schmaling?  
6 A I wrote complaints to Sheriff Schmaling.  
7 Q Do you have copies of those?  
8 A Yes.  
9 Q Do you have them with you?  
10 A No.  
11 Q Okay. So if I ask you for copies of the  
12 complaints you made to Sheriff Schmaling, you'll  
13 be able to produce those?  
14 A I've got over 70 complaints and I wrote to all of  
15 them.  
16 Q I'm just focusing on Sheriff Schmaling right now.  
17 A Yes. Yes, I have wrote Sheriff -- Lieutenant --  
18 Lieutenant -- Captain Wearing always answers  
19 Sheriff Schmaling's requests.  
20 Q Have you ever met Sheriff Schmaling?  
21 A No. And I asked to speak with him too.  
22 Q I'm sorry?  
23 A I have asked to speak with him.  
24 Q But you've never met him?  
25 A No.

1 Q Do you have any evidence that Sheriff Schmaling  
2 was personally involved in any decisions related  
3 to your incarceration here at the jail?  
4 A Excuse me?  
5 Q My question is do you have any evidence, do you  
6 know of any facts that leads you to believe or  
7 conclude that Sheriff Schmaling was personally  
8 involved in any decisions about your conditions of  
9 confinement, about your medical care, about your  
10 access to showers, things like that, whether  
11 Sheriff Schmaling was personally involved with  
12 that?  
13 A Sheriff Schmaling runs this county jail.  
14 Q That's not my question. My question is not  
15 whether the sheriff runs the jail. My question is  
16 what do you know, what can you tell me about  
17 Sheriff Schmaling's personal involvement in any of  
18 the decisions related to your care or treatment  
19 here at the jail.  
20 A My -- my answer to that would be that  
21 Sheriff Schmaling is the one who runs the county  
22 jail. He sets the rules. The rules go through  
23 him before they get implemented. So yes, he has  
24 personal, personal stake in what goes on in this  
25 county jail, yes.

1 Q Okay. Other than the fact that Sheriff Schmaling  
2 runs the jail and makes the rules, do you have any  
3 other facts or evidence --  
4 A Them my facts right there.  
5 Q Okay. Nothing else.  
6 A No.  
7 Q Now, how about Deputy Koldeway? I know there's an  
8 incident involving Deputy Koldeway and you, and  
9 we'll talk about that in greater detail in a  
10 minute.  
11 Other than that incident, do you know  
12 if Deputy Koldeway was involved in any of your  
13 issues related to your handicap accessible cell,  
14 your issues related to your access to a shower,  
15 any of your medical claims, anything like that?  
16 A Yes. Deputy Koldeway signed a refusal for me that  
17 I didn't authorize him to sign.  
18 Q And which one was that?  
19 A To stop my bandages from getting changed.  
20 Q Now, you claim that you did not make the decision  
21 that you did not want to have your bandages  
22 changed.  
23 A I told him I didn't want Nurse Leslie or  
24 Nurse Bill to do anything with me that day.  
25 I wanted to see a doctor. So they say, "Are you



1 refusing?" I said, "No, I'm not refusing, but I  
2 don't want you all to see me." "Well, you're  
3 going to sign. We're going to just put you down  
4 for refusing." I'm not refusing anything.

5 Deputy Koldeway, "Just give me the  
6 refusal. I'll sign the refusal," and that's what  
7 he did. Like yesterday, they had another deputy,  
8 Hernandez, sign a refusal for me. I'm not  
9 refusing that. I just don't -- I refuse to see  
10 certain doctors that I know are going to tell me  
11 the same thing. I want to see the doctor, not the  
12 nurses, the doctor.

13 If I'm paying \$8, I can see the  
14 doctor. It says on the medical request form \$8 to  
15 see the doctor. If I'm willing to pay \$8 -- \$8,  
16 I should be able to see the doctor. They're not  
17 allowed to sign a refusal for me. I'm not  
18 refusing to see medical. I want to see the  
19 doctor.

20 Q Other than that incident, does Deputy Koldeway  
21 have any involvement in any of the other issues  
22 other than the incident where he shouldered you?

23 A And my medical. He signed the medical.

24 Q You told me about that.

25 A Yes.

1 Q Other than that?

2 A No.

3 Q Okay. Now, how about Noonan? What are you claims  
4 against Noonan?

5 A Noonan denied me my legal -- my legal material.  
6 When he put me in segregation, he took my legal  
7 material, my prestamped envelopes, my medically  
8 approved blankets, my medical -- and my extra  
9 medical approved mat, all my hygiene, everything,  
10 and threw me in medical seg and threw me in  
11 segregation. I didn't get a blanket until  
12 3:00 o'clock in the morning.

13 Q So other than the incident related to your  
14 placement into segregation and that claim --

15 A And my due process. He wrote me a ticket saying I  
16 threatened him for retaliation. Yeah.

17 Q We'll talk about that. I just want to make sure I  
18 understand. The first claim is that he did not  
19 permit you to have your personal items in  
20 segregation; correct?

21 A Mm-hm.

22 Q I'm sorry. You have to answer yes or no.

23 A Yes.

24 Q And then the second claim is when he wrote you up  
25 because you threatened him or he claims you

1 threatened him?

2 A Yes.

3 Q And tell me about that.

4 A He -- I told -- he came in -- they came and got me  
5 from segregation. He took me over to there. He  
6 started going through my stuff. I'm telling him,  
7 look here, man, that's my legal work. You can't  
8 have --

9 THE REPORTER: You have to slow down.

10 THE WITNESS: Okay. You can't have  
11 this, which is my legal mail. You can't have  
12 these stamped envelopes. You can't have my combs,  
13 my grease, my lotion and all that type of stuff.

14 Then he took my extra mattress. He  
15 took my extra blanket. He took both of my  
16 blankets. He said I wasn't allowed cotton  
17 blankets, which I was. And I told him I didn't  
18 really care about it. It's okay. I'm not going  
19 to be here for long. I ain't going to prison.  
20 I'm going home. And he wrote me up and said I  
21 threatened him because I said that.

22 Q Other than those two incidents, any other claims  
23 against Noonan?

24 A There's probably a couple more. I have to reflect  
25 on my --

1 Q How about Gonzales? What are your claims against  
2 Gonzales?

3 A I wrote her several times asking about -- she's  
4 the sergeant for classification. When I got here  
5 I was -- I wrote her and Sergeant Moran. They --  
6 it's both, so you can get Moran out of the way  
7 too, about my classification, me being classified  
8 max, and I never got a response from them, never,  
9 ever.

10 I got the requests in the room where  
11 there's no response to them about me being placed  
12 on maximum security, a maximum security pod, and I  
13 never got a request. It's more -- more stuff and  
14 I have to reflect on my complaint though.

15 Q So with regard to Gonzales and Moran, you'd asked  
16 for them to reassess your classification and they  
17 didn't respond and that's your claim against them?

18 A No, it's that and more. It's more things, if you  
19 want me to I'll reflect on my complaint real  
20 quick.

21 Q Sure, if you want to take a look.

22 A I got one.

23 Q Just refer to the exhibit and tell me whatever  
24 page you're referring to.

25 A On page 13. Would you like me to read it?

1 Q Okay.  
2 A Would you like me to read it?  
3 Q Yeah.  
4 A I say Sergeant Moran -- Gonzales, Moran, Ledezma  
5 all denied my due process rights to file a  
6 complaint for the jail conditions of a handicap  
7 accessible -- handicap accessible cell. Denied to  
8 choose what medical, adequate medical -- medical  
9 staff I wanted to treat -- treat me and denied  
10 fair -- denial of fair and impartial disciplinary  
11 hearing. That was some or all of them though.  
12 Q So I would like to know with regard to Moran and  
13 Gonzales, what did they do.  
14 A Denied me complaints to the handicap accessible  
15 cell.  
16 Q So you had asked Gonzales and Moran to provide you  
17 with a handicap accessible cell and they denied  
18 it.  
19 A They never wrote me back.  
20 Q Okay. Anything else?  
21 A Yeah. My complaints, they never -- that's about  
22 it.  
23 Q Complaints about the handicap accessible cell.  
24 A And other things too. I never got a response from  
25 them for nothing, nothing at all.

1 Q My question is other than complaining about not  
2 being put in a handicap accessible cell, did you  
3 make any other complaints to Gonzales and Moran?  
4 A Yeah. There's somewhere through here. I have to  
5 look -- I have to look for it.  
6 Q Well, take your time and look for it.  
7 A I concede with that right now.  
8 Q Okay. How about Barker? What personal  
9 involvement did Barker have in this case?  
10 A I wrote Barker about everything that was going on  
11 with me. Everything, all these issues, I wrote  
12 Lieutenant Barker about them. He never --  
13 Q When you say all these issues, you wrote to him  
14 about handicap accessible cell?  
15 A Yes.  
16 Q Did you write to him about showers?  
17 A Yes.  
18 Q Did you write to him about medical care?  
19 A Yes.  
20 Q What else?  
21 A My due process. I think I wrote to him and  
22 Lieutenant Friend about my due process violations.  
23 Like not long ago I got a conduct report and they  
24 let Sergeant Ledezma hear my conduct report even  
25 though he knew about me suing him and I told him

1 he could never be impartial. Lieutenant Friend  
2 said, "I'm going to go talk to corporate counsel  
3 about it and see what he thinks."  
4 And they still let Sergeant Ledezma  
5 hear a conduct report with me even though I'm  
6 already suing him for due process violation, and  
7 the due process violation say you're supposed to  
8 have a fair, impartial hearing officer. He can  
9 never be fair and impartial.  
10 I wrote to them several times about  
11 this, even with my -- my other disciplinary  
12 hearings with Sergeant Ledezma where he didn't  
13 call my witnesses. The nurse -- I got reports,  
14 complaints that I filed where there was other  
15 officers right there where the witness was right  
16 there and I asked him, did Sergeant Ledezma come  
17 talk to you about the conduct report. No, he  
18 didn't. And that's one of the medical staff. No,  
19 he didn't come talk to me about it.  
20 And he found me guilty without hearing  
21 any testimony from any witnesses or anybody, just  
22 found me guilty. Told me you should have just  
23 accepted the five days. Told me he was going to  
24 go investigate. Seventeen days later, I get  
25 called out the day room to get moved to

1 segregation, and it wasn't even for five days. He  
2 doubled it to ten days. So --  
3 Q All right. Let's talk a little bit about that as  
4 long as you brought that up. There was a hearing  
5 or no hearing?  
6 A I would have to say it wasn't no hearing. The man  
7 came in and said, "Why didn't you take what you  
8 was offered?" I was like, "Because I didn't do  
9 anything."  
10 Q Did he ask you questions about what you felt had  
11 happened that day?  
12 A He said -- the only thing he asked me was, "How  
13 did you plead?" I said, "Not guilty."  
14 Q And did he ask you to describe what you thought  
15 had happened that day?  
16 A No.  
17 Q Did he ask you what you believed -- strike that.  
18 My understanding of the event is that the nurse  
19 claimed that you exposed yourself to her; right?  
20 A Correct.  
21 Q And your response to that was it couldn't have  
22 happened because I only have one arm and I  
23 wouldn't have been able to cover myself up fast  
24 enough. The officer who was there would have seen  
25 it.

1 A Correct, and the officer said in his report I did  
2 not see that.  
3 Q Now, did Ledezma talk to you about your claim,  
4 about the fact that you didn't believe that it  
5 could have happened the way the nurse said it  
6 happened because the officer who was there would  
7 have seen it? That's something he talked to you  
8 about; correct?  
9 A No. Ledezma told -- when he came up in there,  
10 he -- his first words were, "Why didn't you take  
11 the five days?" I say, "Because I didn't do  
12 nothing wrong." He was like, "Well, you should  
13 have took five days." I say, "Man, is you going  
14 to call my witnesses?" He was like, "Who are your  
15 witnesses?" I said, "Evans wrote my witnesses  
16 down."  
17 THE REPORTER: I'm sorry. Repeat  
18 that.  
19 THE WITNESS: Evans, Classification  
20 Officer Evans wrote my witnesses down because he  
21 set up my hearing. He say, "Well, who are your  
22 witnesses?" I gave him names and he's like, "Hold  
23 on, I'm not --"  
24 BY MR. BASCOM:  
25 Q What names did you give him?

1 A I gave him I think Austin, Austin Rogers.  
2 Q And who's Austin?  
3 A They were inmates that was out in there because at  
4 the time we was all on med seg. That mean  
5 everybody's doors open. So everybody is in the  
6 day room. Because if I'm exposing myself to her,  
7 they would have been able to see it too, and at  
8 the time she said I did this, I was talking to  
9 them. So of course I wanted them as witnesses and  
10 I wanted her to be a witness too. So that  
11 was never --  
12 Q Her being?  
13 A The Nurse Mehring, Mehring, whatever. I don't  
14 know how to pronounce her name, but he never  
15 talked to any of the witnesses.  
16 Q Did he answer -- did he respond at all when you  
17 said, "I want to have these witnesses present"?  
18 A Yes.  
19 Q What did he say?  
20 A He said, "What are their names?"  
21 Q And then what?  
22 A I gave him the names, and he said, "Well, I'm  
23 going to --" I said, "Hold on. How you going --  
24 you talking like you going to find me guilty." He  
25 said, "I'm going to go talk to them and I'll be

1 back."  
2 Seventeen days later they called me to  
3 pack up for the hole. I didn't get a per 30 --  
4 350. You supposed to get a disposition. As soon  
5 as you get found guilty, you're supposed to get a  
6 disposition and all that. I never got none of  
7 that. I didn't even know I was found guilty. He  
8 told me he was going to go talk to the witness and  
9 come back and talk to me. Seventeen days later,  
10 they tell me to pack up and sent me to the hole.  
11 Q So you didn't hear anything between the time that  
12 you spoke with him and --  
13 A Never.  
14 Q -- the time -- you've got to let me finish my  
15 question -- and the time where you were placed in  
16 segregation.  
17 A No.  
18 Q Okay.  
19 A Excuse me. You said something about if you need  
20 the copies. Who will -- who will have to pay for  
21 those?  
22 Q We'll work that out. Have you been involved in  
23 the appeal of a disciplinary decision other than  
24 the one we're talking about with Ledezma?  
25 A I couldn't appeal that. I don't understand.

1 Okay. Could you make --  
2 Q I'm asking a very specific question. You've  
3 talked now about this -- the Ledezma due process  
4 claim you have. Okay? And you've told me that  
5 you didn't get notice of the decision for 17 days,  
6 and that's in your complaint. I understand that.  
7 My question is a little different than  
8 that. Other than that case, have you been  
9 involved in any other disciplinary matters where  
10 you appealed a decision?  
11 A Yes.  
12 Q Okay. Tell me about those.  
13 A I appealed -- once I have wrote that up with  
14 Sergeant Ledezma, I got a response from I think  
15 Lieutenant Friend or somebody or one of them.  
16 I forgot which one I wrote about it. I know it  
17 was either Friend or Barker and then  
18 Captain Wearing, but they told me you have 24  
19 hours --  
20 Q You're misunderstanding because I'm not asking  
21 about the Ledezma one.  
22 A I understand. I'm telling you how I found out  
23 about the appeals now, because I wrote and they  
24 told me you have 24 hours to appeal. So after  
25 that, I had got another conduct report and I

1 appealed it within 24 hours, and that's how I  
2 found out that you have only 24 hours to appeal.  
3 Q Tell me about the conduct report that you  
4 appealed.  
5 A I think they had a cell search and they found a  
6 towel -- no, a spray bottle in the room and it  
7 wasn't by my or my cellie bed. It was just in the  
8 day -- in our cell, and I appealed it and  
9 Lieutenant Friend dismissed the write-up.  
10 Q Any other appeals?  
11 A Yes. I have wrote -- I appealed my administrative  
12 segregation status. Well, I didn't appeal that  
13 because they say ain't no appeal here. You  
14 can't --  
15 THE REPORTER: I'm sorry. You'll have  
16 to repeat that.  
17 THE WITNESS: My administrative  
18 segregation status, ain't no appeal for that, but  
19 I have tried, and I appealed a couple more  
20 disciplinaries.  
21 BY MR. BASCOM:  
22 Q And do you remember what the result was any of  
23 those appeals?  
24 A Lieutenant Friend heard one and this is the last  
25 one with Ledezma, not the one that's on there but

1 it's just a recent one, the one with the  
2 impartiality I was just telling you about.  
3 I appealed it and Lieutenant Friend -- because a  
4 couple of the officers say yeah, that wasn't --  
5 wasn't -- he wasn't supposed to hear my appeal.  
6 That is impartiality. He can't be impartial  
7 because I have a lawsuit pending against him.  
8 Lieutenant Friend came up with  
9 Sergeant Moran, which those two are named in my  
10 lawsuit, and I was talking to them about it and he  
11 said he was going to go talk to corporate counsel  
12 about it and get back with me. He never did get  
13 back with me, never. He never came. He came on  
14 the floor. I tried to have an officer talk to  
15 him. One of the officers say he said that  
16 Lieutenant -- I mean Sergeant Ledezma say he was  
17 impartial.  
18 Q Other than that appeal, any other appeals?  
19 A Yes, a few more I got -- I got them upstairs in my  
20 room.  
21 Q All right. Let's talk about the Koldeway  
22 incident. Tell me what happened.  
23 A I was brought down here from 2D by Noonan and one  
24 McDonald and put in intake. That's the day  
25 Deputy Koldeway signed a refusal saying I didn't

1 want to get my bandages changed.  
2 But before this me and Deputy Koldeway  
3 had been having -- when he brung me down for like  
4 to get my bandages changed, he was like, "I heard  
5 you suing the county jail." I was like, "Yeah."  
6 He's like, "Well, I'm four and oh right now." I  
7 was like what that got something -- "What that got  
8 to do with me? I'm not suing you." And he was  
9 like, "I'm just saying I'm four and oh."  
10 So that incident transpired every time  
11 he came down, he'd come and get me. Like one time  
12 on the elevator with the nurse and I was talking  
13 to her about my medical stuff and he was like,  
14 "You need to quit talking to her." I said, "Why?"  
15 I ain't doing nothing wrong. I'm talking to her  
16 about -- "Well, you just need to be quiet."  
17 I was like, "Whatever. I can talk if I want to."  
18 So the day when I came down here, they  
19 put me in intake. So one day I was getting taken  
20 to the shower by a CO Pearson. And when I was  
21 coming out the shower, Koldeway was going towards  
22 the shower, and I was like, "He the reason I'm not  
23 getting my bandages changed."  
24 Q That's what you said?  
25 A Yes.

1 Q To who?  
2 A I was talking to CO Pearson. And Deputy Koldeway  
3 turned around like, "What? What?" And I turned  
4 and he dipped his shoulder and ran into me.  
5 Q How far away from you was he when he dipped his  
6 shoulder?  
7 A He was probably like right -- right there and he  
8 came towards me and then he dipped his shoulder.  
9 Q So 2 feet away, 3 feet away?  
10 A Probably from like -- I was probably like right  
11 here and he was probably like right here where his  
12 little battery thing was and he turned around.  
13 Q Five feet away?  
14 A Yeah, came around and bumped me.  
15 Q Where did he bump you?  
16 A On my -- right here.  
17 Q Your -- your arm that's been removed?  
18 A Yes.  
19 Q Okay. And what happened then?  
20 A I fell backwards and CO Pearson caught me.  
21 Q So you didn't hit the ground?  
22 A No.  
23 Q Okay.  
24 A Stopped him with his other arm. Like, "Hold on,  
25 hold on, hold on, hold on," and he was trying to

1 come like, "You going to fucking come at me? You  
2 going to fucking come at me? You going to talk  
3 shit to me?" I'm like, "What?"

4 And I was so angry at the time, and  
5 Pearson like, "Just come on. Just come one," and  
6 I went and sat on the bench. And they put me back  
7 in the room and I came out. Well, not putting me  
8 back in the room. I was sitting right there, and  
9 she goes like -- I was like, "I want to talk to a  
10 sergeant." And she was like, "You want to talk to  
11 a sergeant?" And I was like, "Yeah," and she was  
12 like -- and she told Pearson, "Well, he want to  
13 talk to a sergeant. You got to get him a  
14 sergeant." But Sergeant Moran was sitting right  
15 there. She had seen the thing, seen everything  
16 transpire, and she got up and left, and when she  
17 came back --

18 THE REPORTER: Please slow down.

19 THE WITNESS: Sergeant Moran was  
20 sitting at the desk when it happened and then she  
21 left, and when she was coming back I was trying to  
22 tell her about it and she was like, "File a  
23 complaint" and just kept walking.

24 BY MR. BASCOM:

25 Q So did you file a complaint?

1 A Yes.

2 Q Before we get to the complaint, tell me, were you  
3 injured by Deputy Koldeway?

4 A Yes. I had to go back to medical and get my arm  
5 wrapped up. I still had wounds on my arm.

6 Q You still had wounds at the time?

7 A Yes.

8 Q Tell me what happened with your wounds.

9 A They was bleeding.

10 Q And so you went back to medical and got them  
11 rewrapped?

12 A Yeah. I hadn't even got -- I had just came out  
13 the shower. They weren't even wrapped yet.

14 Q So the wounds were exposed when you were hit?

15 A Yeah. I just had my shirt over them.

16 Q Were they bleeding after you were hit?

17 A Yes.

18 Q How long after that did it continue it to be a  
19 problem for you?

20 A It just was painful. My arm -- this wasn't even a  
21 year. My arm was still sore and messed up. I was  
22 still going to Froedtert for them to -- the last  
23 time I had went to Froedtert it was still green  
24 stuff running out of my arm. There was stuff in  
25 my arm. They was going to have to reopen my arm,

1 but he just said -- I forgot the word he used for  
2 it, but he's like, "Next time you come back down,  
3 if it ain't healed, then we're going to have to  
4 reopen it up and do it all over again."

5 Q I just want to focus on problems that you  
6 associate with being shouldered by Koldeway.  
7 Other than having your wound rewrapped or wrapped  
8 by medical, did you seek any medical treatment as  
9 a result of any injury --

10 A Yes.

11 Q Let me finish -- seek any medical treatment as a  
12 result of injuries you sustained when Koldeway  
13 shouldered you?

14 A Yes. I went to the -- I was in a lot of pain.

15 I went to medical. They put me on some  
16 antibiotics and some painkillers.

17 Q How long after the shouldering incident did you go  
18 to medical?

19 A The same day.

20 Q Same day?

21 A Yes.

22 Q Any follow-up with medical following that?

23 A I don't think they put me down for follow-up  
24 because I was going down every day any old way or  
25 something like that.

1 Q Now, there was -- Koldeway wrote you up as the  
2 result of that incident.

3 A Yes.

4 Q And there was a hearing on that.

5 A Yes.

6 Q And you were found not guilty.

7 A Right.

8 Q Are you aware of whether or not Koldeway was  
9 disciplined as the result of that incident?

10 A I have wrote several requests. No one have got  
11 back with me. I wrote -- Tracy Hintz came and  
12 talked to me. I wrote several requests trying to  
13 ask what's going on with that.

14 They told me when Sergeant Ledezma  
15 was here -- I mean not Ledezma -- Delarosa, she  
16 told me the day she came and talked to me, "If you  
17 want to know any information about it, talk to  
18 Sergeant Delarosa."

19 They brung me down here one day after  
20 their lawyer came and talked to me -- I forgot his  
21 name. Laydoff or something like that, the  
22 corporate counsel. They said just talk to  
23 Delarosa, because Delarosa -- not Delarosa -- and  
24 Chavez pulled me in the room like -- and he was  
25 like, "Just address all your complaints to me

1 now."

2 And I was like that wouldn't be  
3 according to the Prison Litigation Reform Act.  
4 I'm supposed to follow the chain of command. He  
5 was like, "Well, just address all your issues to  
6 me now because there's been some issues with your  
7 complaints not getting to the proper people."

8 So after that I asked him, I was like,  
9 "What's going on with the investigation with  
10 Deputy Koldewey?" He said, "We're not privileged  
11 to give you that information."

12 Q Okay. Since that point in time have you been  
13 directing your complaints to the people they told  
14 you to direct it?

15 A I just got into an altercation, a fight, and I --  
16 three days before the fight I had wrote Deputy  
17 Kold -- I mean Sergeant Delarosa and let him know  
18 I was having problems in that pod.

19 The day I had wrote it they brung me  
20 down here for showers, and I told Sergeant  
21 Delarosa I need to talk to him and he say, "Just  
22 write me about it." I said, "I wrote you about  
23 it." He said, "Okay, I'm going to have a deputy,  
24 which is Deputy Wilson, "to bring the complaints  
25 back down." Deputy Wilson told me he handed them

1 right to him.

2 The next three days I got into an  
3 altercation where I had to defend myself with a  
4 broom and fight off an inmate. And they never  
5 answered -- he never sent me a complaint, a  
6 request back for my complaints. I got the  
7 complaints upstairs right now. Never sent me a  
8 request about it or nothing.

9 Oh, yeah, one of the appeals I did  
10 file is with Lieutenant Friend, and right now  
11 placing me in administrative segregation saying I  
12 told him I fear for my safety and security, which  
13 I never wrote him anything like that. Steady  
14 violating my due process rights. This is a  
15 continuous thing that's going on in this county  
16 jail. They don't have a sound grievance process  
17 here neither.

18 Q Okay. I'm going to be sending you a written  
19 request for all of the -- for copies of any  
20 complaints that you have, for copies of any of the  
21 diaries or logs or anything like that that you  
22 have, and any other documents that you have that  
23 you believe supports your claims against my  
24 clients, the Racine County jail staff, or any  
25 claims you have against medical.

1 Now, as far as copying expense goes, I  
2 will arrange for them to be paid for either by the  
3 county or by my office, and I'll have  
4 Captain Wearing coordinate getting the documents  
5 from you and making copies of them.

6 A I would not in any way give them copies of -- no.

7 Q I understand. We'll have to come to an agreement  
8 on how we can get copies of the documents and  
9 assure you that nothing's happening to the  
10 documents.

11 A The only way I'm willing to do that unless they  
12 bring me down there and they copy them right there  
13 in front of me and give them back to me.

14 MR. BASCOM: Okay. We'll arrange for  
15 that to happen. With that I'm done. Thank you.

16 THE VIDEOGRAPHER: This ends the video  
17 deposition of Tarence A. Banks, Sr. on  
18 December 17, 2014. The time 11:45 a.m.

19 (At 11:45 a.m. the deposition  
20 concluded.)  
21  
22  
23  
24  
25

1 STATE OF WISCONSIN )  
2 MILWAUKEE COUNTY ) SS:  
3 I, MICHELLE HAGEN, Registered  
4 Professional Reporter and Notary Public in and for the  
5 State of Wisconsin, do hereby certify that the deposition  
6 of TARENCE BANKS was taken before me at Racine County Law  
7 Enforcement Center, 717 Wisconsin Avenue, Racine,  
8 Wisconsin, on the 17th day of December, 2014, commencing  
9 at 10:09 a.m.

10 I further certify that I am not a  
11 relative or employee or attorney or counsel of any of the  
12 parties, or a relative or employee of such attorney or  
13 counsel, or financially interested directly or indirectly  
14 in this action.

15 In witness whereof, I have hereunto  
16 set my hand and affixed my seal of office on this 29th  
17 day of December, 2014.  
18  
19

20  
21 \_\_\_\_\_  
22 Michelle Hagen  
23 Notary Public in and for the  
24 State of Wisconsin  
25

My commission expires August 10, 2018.